IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Rajkumar Saini vs. State of Rajasthan & Ors.
(S.B.C.Writ Petition No.1984/02))

Dated:- 5th September,2006.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr.S.S.Khatri,Advocate,for the petitioners.
Mr.Rameshwar Dave, Dy.Government Advocate for the respondents.

This writ petition has been filed by the petitioner with the prayer that the respondents may be directed to appoint him on the post of Para Teacher, Gram Panchayat, Dulchasar, Panchayat Samiti, Sri Dungargarh, district Bikaner.

The case of the petitioner is that selection Committee of the Gram Panchayat , Dulchasar in its meeting convened on 15th August, 2001 considered his name alongwith various other candidates for appointment on the post of Para Teacher. The petitioner stood first in the merit and accordingly he was selected. Subsequently the respondents again advertised the said post on 4th May, 2002. In the said advertisement however it was stated that the candidates who have applied earlier need not apply. Pursuant to the fresh advertisement,meeting of the selection Committee was again convened on 20th May, 2002 but the petitioner was not called to appear before the selection Committee for interview. Since

he had already been subjected to interview in the selection process earlier completed, the respondents are required to appoint the petitioner on the post of Para Teacher. However, when the training course of the aforesaid post was started by the respondents on 1.6.2002, the petitioner requested them by his application dated 7.6.2002 to send him for training. They however did not do so.Hence this writ petition.

The respondents have contested the writ petition by filing a reply and argued that since there was no sanctioned post of Atrikit Shiksha Sahyogi with Gram Panchayat, Dulchasar, inviting applications and holding selection for appointment for such non existent post did not create any right in favour of the petitioner. However subsequently the post of Para Teacher was again advertised on 4.5.2002 but the petitioner did not send any application in response to such advertisement before 16.5.2002, the last date fixed for submission of applications. Therefore, his selection could not be made by the selection Committee.

I have heard Mr.S.S.Khatri,learned counsel for the petitioner and Mr.Rameshwar Dave, Dy.Government Advocate for the State and perused the record.

Mr.S.S.Khatri, learned counsel for the peititioner has argued that petitioner is highly qualified person inasmuch as he possesses the degrees of B.A., M.A.(History), M.A.(Political Science) and B.Ed. and was therefore fully eligible for appointment on the post of Para Teacher. He argued that a selection was held on 15.8.2001 and since the name of the

petitioner was placed at serial number 1, there was no reason for the respondents not to make his appointment and to hold a fresh selection. It was argued that petitioner was rightful claimant for the appointment on the post of Para Teacher and therefore selection of another candidate in the subsequent selection and sending him for training of Para Teacher was bad in law.

On the other hand, Mr.Rameshwar Dave, Dy.Government Advocate argued that there was no sanctioned post of both Para Teacher/ Atrikit Shiksha Sahyogi was available with the respondents when the selection was held on 15.8.2001. The selection of the petitioner was therefore misconceived and could not confer any right to the petitioner. Even otherwise, mere placement of the name of the petitioner in the selection list did not confer any right on appointment. When the applications were invited afresh pursuant to the advertisement dated 4th May, 2002, the petitioner did not apply and finally selections were made and the selected candidates were sent for training. He has prayed that the writ petition filed by the petitioner may be dismissed.

I have considered the rival arguments and scanned the records.

Although It may be correct that in the selection held on 15.8.2001 the petitioner was selected. A mere selection does not give right in favour of the selected candidates to claim appointment. The respondents abandoned that selection process and started a fresh

selection process. Even if the petitioner was not required to apply, the facts remains that selection process was completed and the candidates selected candidates pursuant thereto was sent to training. In these circumstances, no direction at this late stage can now be issued to the respondents to appoint the petitioner. Initially when the selection of the petitioner was made, no sanctioned post of Para Teacher was available with the respondents and subsequently post which later became available was duly filled in by appointing another person. The petitioner has neither challenged the fresh selection nor has impleaded the person who was selected and sent for training. In these circumstances, no relief can be granted to the petitioner after a lapse of more than four years.

In the result, the writ petition fails and is hereby dismissed. There shall be no order as to costs.

(MOHAMMAD RAFIQ),J.